

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1-33. (Canceled)

34. (Currently Amended) A method of delivering energy to ablate tissue, comprising the steps of:

providing a device having an ablating element;  
positioning the device at an epicardial tissue site, the tissue site having an epicardial near surface and an endocardial far surface;  
heating or cooling the tissue site with a first, non-ablating quantity of energy;  
measuring a temperature change at the tissue site over a period of time;  
analyzing the temperature change to determine a ~~tissue characterization~~  
temperature response of the tissue;  
characterizing the tissue based on the temperature response of the tissue,  
temperature responses of other known tissue types and the input of at least one  
variable from a list of variables consisting of presence of fat, amount of fat, flow rate of  
blood, tissue thickness and temperature of blood;  
determining an ablation time interval and temperature to be delivered by the  
ablating element based on the tissue characterization; and  
ablating the tissue with a second quantity of energy as directed by the  
determining step. ~~the ablating step being carried out with input of at least one variable~~  
~~from a list of variables consisting of presence of fat, amount of fat, flow rate of blood,~~  
~~tissue thickness and temperature of blood.~~

35. (Previously presented) The method of claim 34, wherein:

the analyzing and ablating steps are controlled by a control system; and  
the ablating step being carried out by maintaining the epicardial near surface temperature at a temperature of 0-80°C during the ablating step.

36. (Original) The method of claim 34, wherein:  
the providing step is carried out with the device having an ablating element; and  
the method also including the step of changing the temperature of the tissue with  
the ablating element; and  
the ablating step is carried out with the ablating element.

37. (Canceled)

38. (Original) The method of claim 34, wherein:  
the ablating step is carried out using the results of the measuring step to  
approximate when the far surface achieves a target temperature.

39. Canceled

40. (Original) The method of claim 34, wherein:  
the ablating step is carried out with a plurality of ablating elements, wherein no  
more than 50% of the ablating elements are activated at one time.

41. (Original) The method of claim 34, wherein:  
the providing step is carried out with the device having a plurality of suction wells,  
at least one of the ablating elements being positioned in each of the suction wells.

Claims 42-67 Canceled

68. (New) A method of delivering energy to ablate tissue, comprising the steps of:  
providing a device having an ablating element;  
positioning the device at an epicardial tissue site, the tissue site having an  
epicardial near surface and an endocardial far surface;  
applying a first, non-ablating quantity of energy to the tissue site;

measuring a temperature change at the tissue site over a period of time;  
analyzing the temperature change to determine a tissue characterization;  
subsequent to the tissue characterization, ablating the tissue using the ablating element with a second quantity of energy based on the tissue characterization;  
the ablating step being carried out with input from at least one variable from a list of variables consisting of presence of fat, amount of fat, flow rate of blood, tissue thickness and temperature of blood.

69. (New) The method of claim 68, wherein:  
the analyzing and ablating steps are controlled by a control system; and  
the ablating step being carried out by maintaining the epicardial near surface temperature at a temperature of 0-80°C during the ablating step.
70. (New) The method of claim 68, wherein:  
the method further comprising the step of changing the temperature of the tissue with the ablating element.
71. (New) The method of claim 68, wherein:  
the ablating step is carried out using the results of the measuring step to approximate when the far surface achieves a target temperature.
72. (New) The method of claim 68, wherein:  
the ablating step is carried out with a plurality of ablating elements, wherein no more than 50% of the ablating elements are activated at one time.
73. (New) The method of claim 68, wherein:  
the providing step is carried out with the device having a plurality of suction wells, at least one of the ablating elements being positioned in each of the suction wells.